

# **Notice of Allowability**

Application No.

10/846,838

Examiner

Eric Hug

Applicant(s)

LAMB, HANS-JURGEN

Art Unit

1731

ed

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1306.

1. ☒ This communication is responsive to the communications filed on August 25, 2003 and December 10, 2003.
  2. ☒ The allowed claim(s) is/are 20-57.
  3. ☒ The drawings filed on 25 August 2003 are accepted by the Examiner.
  4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☒ All b) ☐ Some\* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☒ Certified copies of the priority documents have been received in Application No. 09/882,032.
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet, 37 CFR 1.78.
    - (a) ☐ The translation of the foreign language provisional application has been received.
  6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet, 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

- |  |   |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                       | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                              | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material           | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The paragraph beginning on page 1, line 1, immediately under the title has been replaced with the following amended paragraph:

#### CROSS REFERENCE TO RELATED APPLICATIONS

This application is a continuation of U.S. Application No. 09/982,032, now U.S. Patent No. 6,649,026, filed on ~~January 18, 2002~~ October 19, 2001, which was a continuation of International Application No. PCT/EP00/03450 filed on April 17, 2000, and which claims priority to Application No. 199 17 869.0, filed in Germany on April 20, 1999.

Under the heading A Short Description of the Drawings, at the bottom of page 4 the last line has been deleted to read:

~~Figs. 5~~

Under the heading A Short Description of the Drawings, at the top of page 5 the first paragraph has been amended to read:

Figs. 5 to 48 a schematic plan view of paper making machine fabrics, as further embodiments of the invention, of which Figures 5, 6 and 7 show the respective basic pattern.

***Allowable Subject Matter***

Claims 29-56 are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 29-56 of the present invention are allowed because the prior art does not disclose or suggest a tissue have a structure resulting from the claimed paper making machine fabric. Reference is made to parent application No. 09/982,032, now US Patent 6,649,026. As explained in the Reasons for Allowance of 09/982,032, the prior art does not disclose or suggest a paper making machine fabric having the claimed repeating weave patterns. The structure of the fabric is exemplified by Figure 4, and the structure of the claimed tissue is best exemplified by Figures 49 and 50. This tissue structure is clearly distinguished over prior art tissues made using other fabrics that impart a three-dimensional structure to the tissue.

Tissues made using fabrics by Trokhan (US 4,239,065), Kelly et al (US 4,281,688), and Ramasubramanian (US 5,211,815) have uncompressed three-dimensional zones of different size and depth when compared to the tissue of the present invention, and also have a different distribution of compressed and uncompressed zones when viewed from both sides. As seen in Figures 49 and 50 of the present invention, the uncompressed zones are also bimodal in shape, unlike those in tissues made according to the aforementioned references.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Trokhan (US 4,239,065) discloses a paper machine clothing with a staggered array of pockets and cavities. Both warp and weft (shute) yarns can be woven to have three overlays, but none of the warp yarns underlie the weft yarns three times in succession.

Kelly et al (US 4,281,688) discloses a paper making fabric which comprises at least some warp yarns which overlay three weft yarns in sequence.

Ramasubramanian (US 5,211,815) discloses a tissue-making fabric having a distribution of well-defined three-dimensional pockets.

Ahrens et al (US 5,853,547) discloses a TAD fabric having a 7, 3 broken twill weave.

Hay (US 6,237,644) discloses a TAD fabric for producing a tissue with a patterned surface.

Barrett et al (US 6,334,467) discloses a paper-making forming fabric having an irregular weave pattern.

Botelho et al (US 6,554,963) discloses a TAD fabric that is embossed at the paper contacting surface to form a regular pattern of three-dimensional pockets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0651.

  
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PETER CHIN  
PRIMARY EXAMINER